

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

**September 30, 2008**  
**Council Chambers, City Hall**  
**8:30 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session\*  
9:00 a.m.: Invocation and Pledge of Allegiance  
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

\*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Police, Fire, and CIMA Hospice Chaplain Sam Faraone**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. COMMUNITY PLANNING MONTH**
- 2. DISABILITY EMPLOYMENT AWARENESS MONTH**
- 3. HEAD START AWARENESS MONTH**
- 4. ARMED SERVICES VOCATIONAL APTITUDE BATTERY AWARENESS DAY**

### **CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.  
30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

**NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

**CONSENT AGENDA**

**1. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of September 23, 2008.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**3. RESOLUTIONS:**

**3A.** A Resolution approving a detailed site development plan, for Lots 31 and 32, Block 91, Supplemental Map No. 1 of the East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to a condition imposed by ordinance No. 014875. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 3400 Montana Avenue. Applicants: Oscar and Aurora Menchaca. ZON08-00061 **(District 8)**  
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

**3B.** A Resolution approving a detailed site development plan, for a portion of Lot 18, Block 2, Montwood Heights Unit 4, City of El Paso, El Paso County, Texas, pursuant to a condition imposed by ordinance No. 011446. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 12400 Montwood Drive. Applicants: George R. Dipp and George M. Dipp. ZON08-00020 **(District 6)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

**3C.** Authorize the City Manager to sign an Economic Development Agreement with the El Paso Hispanic Chamber of Commerce in the amount of \$90,000 for Fiscal Year 2009, for Small Business Technical Assistance (\$66,000) and Revolving Loan Fund Administration (\$24,000). **(All Districts)**  
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

**3D.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(All Districts)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**3E.** That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Raul Esquivel and Estela Esquivel for the purchase of a 3.420 acre parcel, more or less, Tract 6, Block 1, map of the Christy Tract, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on

file in Book 6, Page 48, Plat Records of El Paso County, Texas. **(District 7)**  
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

**3F.** That the City Manager be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the University of Texas at El Paso (UTEP) in order that UTEP's Institute for Policy and Economic Development ("IPED") conduct a public survey to coincide with the City's Strategic Plan. This survey will have citizens rank priority functions (services) as provided by the City of El Paso and its corresponding departments. This will allow the Office of Management and Budget to review funding trends based on actual citizenry input and their perceived priorities. The results will be incorporated in the FY2009 strategic plan working sessions. Amount of contract is \$15,000. **(All Districts)**  
[Office of Management and Budget, David Almonte, (915) 541-4777]

**4. SPECIAL APPOINTMENT:**

Appointment of Joseph "Buck" Brice as Assistant City Attorney effective October 6, 2008. **(All Districts)** [City Attorney's Office, Charlie McNabb, (915) 541-4550]

**5. BOARD RE-APPOINTMENT:**

Edith Zuvanich to the Empowerment Zone Advisory Board by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]

**6. BOARD APPOINTMENT(S):**

**6A.** Oscar Baeza to the Committee on Border Relations by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

**6B.** Margaret Peg Booker to the Community Development Steering Committee by Representative Rachel Quintana, District 5.  
[Representative Rachel Quintana, (915) 541-4701]

**7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:**

**7A.** Request that the Purchasing Manager for Financial Services be authorized to issue a purchase order to Oracle Corporation, a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-VPC-03-018, in the amount of \$102,131.52 for Oracle DataBase Enterprise technical support and services. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology  
Account No.: 39010351 – 502202 – 01101  
Funding Source: Information Service, Data Processing Contracts, Operating Account  
Total Est. Award: \$102,131.52  
Reference No.: 2009-036  
**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**7B.** Request rejection of all bids submitted for Solicitation No. 2008-175 (McNeilus Proprietary Parts & Services) as recommended by Financial Services

Department - Purchasing Division and General Services Department - Fleet Division because all bids were non-responsive. **(All Districts)**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]  
POSTPONED FROM 09-23-08

**REGULAR AGENDA - INTRODUCTIONS**

**8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.  
Public comments are invited at the date of the scheduled public hearing.**

An Ordinance approving the Medical Center of the Americas Master Plan as a study area plan to be incorporated into the City’s comprehensive plan, “The Plan for El Paso”, and that the 2025 General Land Use Map be amended to incorporate the modification. Applicant: City of El Paso and the Medical Center of the Americas Foundation. **(District 3)** [Development Services/Planning, Ernesto Arriola, (915) 541-4723]

**PUBLIC HEARING WILL BE HELD ON OCTOBER 7, 2008, FOR ITEM 8**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk’s office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

**9. FINANCIAL SERVICES:**

**9A.** The award of Solicitation No. 2008-065 (Vehicle Fueling Offsite) to C & R Distributing, Inc., for a total estimated award of \$4,218,750.

Department: General Services  
Award to: C & R Distributing, Inc.  
El Paso, Texas  
Items: All  
Options: 2 years  
Annual Estimated Amount: \$1,406,250 (300,000 gallons)  
Account No.: 37370510 – 503124 – 45202  
Funding Source: Fleet Services Division  
Total Estimated Award: \$4,218,750 (900,000 gallons)  
**Districts: All**

This is a 36-month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the lowest responsive, responsible bidder. This contract is a joint purchase with the County of El Paso.  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 9B. The award of Solicitation No. 2008-238 (Rental of Portable Restrooms) to Hot Properties, Inc. d/b/a Sarabia’s Portable Jons & Blue Sanitation, for a total estimated award of \$680,655.

Department: Parks and Recreation  
Award to: Hot Properties, Inc. d/b/a  
Sarabia’s Portable Jons & Blue Sanitation  
El Paso, TX  
Items: All  
Option: 1 year  
Annual Est. Amount: \$156,885 – Parks and Recreation  
\$70,000 – Other Departments  
Account No.: 51010367 – 502411 – 01101  
Funding Source: Leases NOC, Operating Fund  
Total Est. Award: \$680,655 (3-year total)  
**Districts: All**

This is a thirty-six month contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award to Hot Properties, Inc. d/b/a Sarabia’s Portable Jons & Blue Sanitation, the vendor offering the best value bid.  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA – PUBLIC HEARINGS**

**10. DEVELOPMENT SERVICES:**

An Ordinance granting Special Permit No. ZON08-00050 to satisfy parking requirements by allowing off-site, off-street parking on Parcel 2 described as Lots 24, 25, and 26, Block 3, Womble Addition, City of El Paso, El Paso County, Texas, more commonly known as 5911, 5913, and 5915 Cleveland Avenue to serve Parcel 1, described as Lots 4, 5, 6, and 7, Block 3, Womble Addition, City of El Paso, El Paso County, Texas, more commonly known as 5928 Trowbridge Drive, pursuant to Section 20.10.410 of the El Paso City Code. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject properties: (Parcel 1) 5928 Trowbridge Drive; (Parcel 2) 5911, 5913, and 5915 Cleveland Avenue. Applicant: Holy Light Church of God in Christ, Inc. ZON08-00050  
**(District 3)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

**11. MAYOR AND COUNCIL:**

An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.34 (Nonmotorized Vehicles for Hire), of the El Paso City Code, to amend sections thereunder to permit the licensing of bicycles, pedicabs and other similarly-operated vehicles as vehicles for hire; and to add equipment requirements for such vehicles; the penalty being as provided in Section 6.04.040 of the El Paso City Code. **(All Districts)**  
[Representative Beto O'Rourke, (915) 541-4123]

**12. ECONOMIC DEVELOPMENT:**

An Ordinance repealing Ordinance Number 015721, adopted and approved on March 30, 2004, which created tax increment financing district number four, City of El Paso (50 acre site on the southeast corner of Viscount and Hawkins Blvd.); made findings of fact concerning the conditions of blight, residential property and assessed valuation within said district; created a tax increment financing district board of directors and defined the powers, duties, and terms of office thereof; provided for submission of a plan of improvements for said district; provided for duties of the tax assessor; set the boundaries for said district; and provided a severability clause. **(All Districts)**  
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

**13. ENGINEERING:**

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets), of the El Paso City Code to add Helen of Troy Drive. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 1)**  
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035] **POSTPONED FROM 09-16-08 AND 09-23-08**

**14. INTERNATIONAL BRIDGES:**

An Ordinance amending Ordinance 016971 for the purpose of removing the membership requirement that nominated members of the International Bridge Commission reside in the same district as the City Representative making the nomination. **(All Districts)**  
[International Bridges, Said Larbi-Cherif, (915) 858-3842]

**REGULAR AGENDA – OTHER BUSINESS**

**15. MAYOR AND COUNCIL:**

**15A.** Report to Council on activities of Environmental Legislative Review Committee.  
[Representative Susie Byrd, (915) 541-4416]

**15B.** Discussion and action, to instruct the City Manager, to present to City Council a detailed accounting of what impacts, if any, will be experienced in the 2008 Budget of the El Paso Water Utilities as a result of the failed sale of the Northeast property to Hunt Industries, and also, what impacts, if any, will be experienced in the long range planning and capital requirements of the El Paso Water Utilities as a result of same. To also provide a complete accounting of all revenues

expended by the El Paso Water Utilities, including but not limited to staff time and outside consultants and legal fees, in attempting to accomplish this sale.  
[Representative Melina Castro, (915) 541-4400]

**15C.** Discussion and action, to instruct the City Manager to present to City Council a detailed accounting of what impacts, if any, will be experienced in the 2008 City of El Paso Budget, recently passed by City Council, with the collapse of the sale of the Northeast property to Hunt Industries, and also, what impacts, if any, will occur in the long term budgetary projections with the referenced sale property not being transferred to the taxable property rolls as a result of the failed sale.  
[Representative Melina Castro, (915) 541-4400]

**15D.** Discussion and Action on a letter of support for the Santa Teresa Railway Bypass. [Mayor John F. Cook, (915) 541-4145]

**16. COMMUNITY AND HUMAN DEVELOPMENT:**

**16A.** Discussion and action that City Council approve additional HOME funding in the amount of \$65,035 for the rehabilitation of 43 multi-family affordable rental units at 719 Nino Aguilera by H.S.C. LLC to account for closing costs and project delivery costs for a total revised funding amount of \$2,066,452; and that the City Manager be authorized to sign a HOME Financial Terms contract, a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale), a subordination agreement and/or other secondary financing riders; and any related documents and/or revisions necessary to secure and perfect the City's security interest and lien, upon recommendation of the Director of Community and Human Development and approval of the City Attorney's Office. **(District 8)**  
[Community and Human Development, William Lilly, (915) 541-4643]

**16B.** Discussion and action that City Council approve additional HOME funding in the amount of \$49,250 for the new construction of 19 multi-family affordable rental units at 1001 Magoffin by MPV Development, Inc. to account for closing costs and project delivery costs for a total revised funding amount of \$1,549,250; and that the City Manager be authorized to sign a HOME Financial Terms contract, a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale), a subordination agreement and/or other secondary financing riders; and any related documents and/or revisions necessary to secure and perfect the City's security interest and lien, upon recommendation of the Director of Community and Human Development and approval of the City Attorney's Office. **(District 8)**  
[Community and Human Development, William Lilly, (915) 541-4643]

**17. PARKS AND RECREATION:**

**17A.** Discussion and action on a Resolution that the El Paso Border Youth Athletic Association is in default of its requirements under its June 19, 2007, Lease Agreement with the City, and the June 19, 2007, Lease Agreement between the City of El Paso and the El Paso Border Youth Athletic Association is terminated. **(District 1)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

**17B.** Discussion and direction to the City Manager on the use of City of El Paso park property for the purpose of constructing, operating, and utilizing recreation and sports facilities in an unimproved area of Lower Tom Lea Park. **(District 1)**  
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

**EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- |                 |  |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY                               |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY                     |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS                 |
| Section 551.074 | PERSONNEL MATTERS  |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES                  |
| Section 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |

Discussion and action on the following:

- EX1.** Claim of Vicki J. Magness; our file No. 08-C-191. (551.071)  
[City Attorney's Office, Hadley Huchton, (915) 541-4550]
- EX2.** Claim of Lorenzo, Elsa, and Adrian Perez, our file No. 07-C-136. (551.071)  
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** City of El Paso vs. Joseph "SIB" Abraham, Jr., et al; Cause No. 2006-2480. (551.071)  
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX4.** MOMAR, L.P. vs. City of El Paso, Cause No. 2007-4830. (551.071)  
[City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX5.** County of El Paso et al. vs. Michael Chertoff, Secretary, U.S. Department of Homeland Security, and U.S. Department of Homeland Security, Case No. EP-08-CA-0196-FM, U.S. District Court for the Western District of Texas, El Paso Division. (551.071)  
[City Attorney's Office, Marie A. Taylor, (915) 541-4550]
- EX6.** Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)  
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

**NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>